

***United States Court of Appeals  
for the Second Circuit***



**APPELLEE'S BRIEF**



WF  
JZO  
EVG

75-7450

IN THE  
**United States Court of Appeals**  
FOR THE SECOND CIRCUIT

To be argued by  
Roy M. Coin

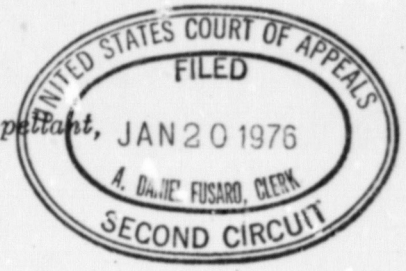
DAILY MIRROR, INC.,

*Plaintiff-Appellant,*

VS.

NEW YORK NEWS INC., HARRY GARFINKLE,  
UNION NEWS COMPANY, INC., AMERICAN  
NEWS COMPANY, INC., and ANCORP, INC.,

*Defendants-Appellees.*



APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK,  
HONORABLE MARVIN E. FRANKEL, DISTRICT JUDGE

BRIEF OF DEFENDANTS-APPELLEES, AMERICAN NEWS  
COMPANY, INC., UNION NEWS COMPANY, INC.,  
and ANCORP, INC.

SAXE, BACON & BOLAN, P.C.  
Attorneys for Defendants-Appellees  
American News Company, Inc., Union  
News Company, Inc. and Ancorp, Inc.  
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New York, New York 10021  
(212) 472-1400

ROY M. COIN  
Of Counsel

B  
P/S

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UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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DAILY MIRROR, INC.,

Plaintiff-Appellant,

- against -

NEW YORK NEWS INC., HARRY GARFINKLE, UNION NEWS  
COMPANY, INC., AMERICAN NEWS COMPANY, INC., and  
ANCORP, INC.

Defendants-Appellees.

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APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF NEW YORK, HONORABLE MARVIN E. FRANKEL, DISTRICT JUDGE

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BRIEF FOR DEFENDANTS-APPELLEES, AMERICAN NEWS COMPANY,  
INC., UNION NEWS COMPANY, INC., and ANCORP, INC.

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STATEMENT OF CONCURRENCE

Having carefully examined the brief submitted herein by the firm of  
Townley, Updike, Carter & Rodgers, attorneys for Defendant-Appellee, New York  
News Inc., the undersigned, as attorneys for the aforementioned Appellees, hereby  
join in each and every part of said brief and adopt it as its brief for the  
aforementioned Defendants-Appellees.

Respectfully submitted,

SAXE, BACON & BOLAN, P.C.  
Attorneys for Defendants-  
Appellees, American News  
Company, Inc., Union News  
Company, Inc. & Ancorp, Inc.  
39 East 68th Street  
New York, New York 10021  
(212) 472-1400

ROY M. COHN of Counsel

DAILY MIRROR, INC.,

-against-

Defendants-Appellees:

) SS:

MARI SACCO, being duly sworn, deposes and says:

ROBERT W. FARRELL, ESQ.  
Attorneys for Plaintiff-Appellant  
67 Park Avenue  
New York, New York 10016

Three copies of said brief were served upon each of the addressees.

Sworn to before me,  
this 14th day of January, 1976

RONALD F. POEPPLEIN  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 30-4508069  
Qualified in Nassau County  
Commission Expires March 30, 1974



UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

DAILY MIRROR, INC.,

Plaintiff-Appellant,

- against -

NEW YORK NEWS INC., HARRY GARFINKLE, UNION NEWS COMPANY,  
INC., AMERICAN NEWS COMPANY, INC., and ANCORP, INC.,

Defendants-Appellees.

AFFIDAVIT OF SERVICE

SAXE, BACON & BOLAN, P.C.

Attorneys for Defendants-Appellees-

39 EAST 68th STREET

NEW YORK, N.Y. 10021

(212) 472-1400

American News Company, Inc.,  
Union News Company, Inc.,  
and Ancorp, Inc.

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for

PLEASE TAKE NOTICE



NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named court on

19



NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court,

at  
on

19

, at

M.

Dated:

SAXE, BACON & BOLAN, P.C.

Attorneys for

39 EAST 68th STREET

NEW YORK, N.Y. 10021

To:

Attorney(s) for

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and

☐ certify that the annexed  
has been compared by me with the original and found to be a true and complete copy thereof.

☐ say that: I am the attorney of record, or of counsel with the attorney(s) of record, for  
I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon  
knowledge, is based upon the following:

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am

☐ in the action herein: I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
information and belief, and as to those matters I believe them to be true.

☐ the of  
a corporation, one of the parties to the action: I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 19

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

age and reside at

being sworn says: I am not a party to the action, am over 18 years of

On , 19 , I served a true copy of the annexed  
in the following manner:

☐ by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service  
within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

☐ by delivering the same personally to the persons and at the addresses indicated below:

Sworn to before me on , 19

(Print signer's name below signature)



